THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION Nos.26662, 26682 and 26683 of 2005

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Dated:14.12.2005

WRIT PETITION NO : 26662 of 2005

Between:

Tancella Pally Kashivishwanada Chary S/o Late Ramaiah
R/o 6-6-18, thousand Pillar Temple, Hanamkonda, Warangal

..... PETITIONER

AND

The Commissioner Municipal Corporation of Warangal having office at

Municipal Corporation office,
Warangal, and another.

.....RESPONDENTS

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WRIT PETITION NO : 26682 of 2005

Between:

Mamindla Palli Sakku Bai W/o Late Sri M. Narsiah
R/o 6-6-16/1, Thousand Pillar Temple, Hanamkonda, Warangal

..... PETITIONER

AND

The Commissioner Municipal Corporation of Warangal having office at

Municipal Corporation office,
Warangal

.....RESPONDENTS

WRIT PETITION NO : 26683 of 2005

Between:

Khaja Jameel Ahmed, S/o.Late Sri Gulam Ghouse Qureshi,

Muslim, aged about 50 years, Occ:Pvt.Service, T.P.Temple,

Hanamkonda, Warangal, and others.

..... PETITIONERS

AND

The Commissioner, Municipal Corporation of Warangal,

Having office at Municipal Corporation Office,

Warangal, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.26662, 26682 and 26683 of 2005

COMMON ORDER:

The petitioners are owners of residential houses in Thousand Pillar Temple Street, Hanamkonda. It appears, Kakatiya Urban Development Authority, Warangal, proposed to widen Thousand Pillar Temple approach road to 100 feet, and sent the proposal to the respondents-Corporation. The respondents convened a meeting on 06.11.2005, and requested the petitioners to attend the meeting, presumably, to take the consent of the petitioners and others for parting the land affected by road widening. Even before any decision could be taken thereon, apprehending that the respondents might demolish the constructed portion of the buildings and also forcibly take possession of the land, the present writ petitions are filed seeking a writ of mandamus to declare that the respondents have no right to demolish the petitioners' houses without obtaining consent.

At the stage of admission itself, on instructions, the learned Standing Counsel for Municipal Corporation of Warangal submits that so far no decision is taken in the matter and the writ petitions are filed on mere apprehension. He, however, does not dispute the legal position that if the petitioners' property is to be taken for widening the road, the respondents have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporations Act, 1955, as applicable to the Warangal Corporation.

The same is recorded, and the writ petitions are accordingly dismissed. No costs.

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(V.V.S.RAO, J)

14.12.2005

vs